

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UNITED STATES PATENT**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that which is claimed and for which a patent is sought on the invention entitled NON-HAZARDOUS PEST CONTROL, the specification of which is attached hereto unless the following is checked:

- The specification was filed on May 26, 2000 as United States Application No 09/578,724

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Under Title 35, United States Code, § 119(a)-(d) or § 365(b), I hereby claim foreign priority benefits of any foreign application(s) for patent or inventor's certificate or under Title 35, United States Code, § 365(a) of any PCT International application which designated at least one country other than the United States, which are listed below, and have also identified below any foreign application for patent or inventor's certificate, or of any International applications having a filing date before that of the application on which priority is claimed:

Under Title 35, United States Code, § 119(e), I hereby claim the benefit of priority of any United States provisional patent applications listed below:

Under Title 35, United States Code, § 120, I hereby claim the benefit of priority of any United States patent application(s) or under Title 35, United States Code, § 365(c) of any PCT International application designating the United States, which are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International applications(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, and I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application:

I hereby appoint as my attorneys, with full power of substitution and revocation, to prosecute the patent application identified above, and to transact all business connected therewith, in the U.S. Patent and Trademark Office and all other competent International/Foreign authorities: Stephen A. Becker, Reg. No. 26,527; John G. Bisbikis, Reg. No. 37,095; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Carina M. Tan, Reg. No. P-45,769; Stephen C. Carlson, Reg. No. 39,929; Jennifer Chen, Reg. No. 42,404; Bernard P. Codd, Reg. No. P-46,429; Thomas A. Corrado, Reg. No. 42,439; Lawrence T. Cullen, Reg. No. 44,489; Paul Devinsky, Reg. No. 28,553; Luan Do, Reg. No. 38,434; Margaret M. Duncan, Reg. No. 30,879; Brian E. Ferguson, Reg. No. 36,801; Michael E. Fogarty, Reg. No. 36,139; John R. Fuisz, Reg. No. 37,327; Willem F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; Matthew V. Grumbling, Reg. No. 44,427; John A. Hankins, Reg. No. 32,029; Joseph Hyosuk Kim, Reg. No. 41,425; Eric J. Kraus, Reg. No. 36,190; Jack Q. Lever, Reg. No. 28,149; Raphael

Hyosuk Kim, Reg. No. 41,425; Eric J. Kraus, Reg. No. 36,190; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Christine F. Martin, Reg. No. 39,762; Michael A. Messina, Reg. No. 33,424; Dawn L. Palmer, Reg. No. 41,238; Joseph H. Paquin, Jr., Reg. No. 31,647; Scott D. Paul, Reg. No. 42,984; William D. Pegg, Reg. No. 42,988; Robert L. Price, Reg. No. 22,685; Thomas D. Robbins, Reg. No. 43,669; Gene Z. Rubinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; Daniel H. Sherr, Reg. No. P-46,425; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Wesley Strickland, Reg. No. 44,363; Michael D. Switzer, Reg. No. 39,552; Leonid D. Thenor, Reg. No. 39,397; Keith J. Townsend, Reg. No. 40,358; Daniel S. Trainor, Reg. No. 43,959; Cameron K. Weiffenbach, Reg. No. 44,488; Aaron Weisstuch, Reg. No. 41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from ECOSMART TECHNOLOGIES, INC. as to any action to be taken in the Patent and Trademark Office regarding this application, and in all other competent International/Foreign authorities regarding the above-identified invention, without direct communication with me.

PLEASE DIRECT ALL CORRESPONDENCE AND TELEPHONE CALLS TO:

**WILLEM F. GADIANO, ESQ.**  
**MCDERMOTT, WILL & EMERY**  
**600 13th Street, N.W.**  
**Washington, D.C. 20005**  
**Telephone No.: (202) 756-8000**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sole or first inventor:** Steven M. Bessette  
**Residence Address:** Brentwood, Tennessee 37027  
**Post Office Address:** 873 Nialta Lane, Brentwood, TN 37027  
**Citizenship:** United States  
**Inventor's signature** Steve M Bessette

**Date** 1-10-01

**Full name of second inventor:** Arthur M. Knight  
**Residence Address:** Alpharetta, GA 30022  
**Post Office Address:** 9301 Jameson Pass  
**Citizenship:** United States  
**Inventor's signature** \_\_\_\_\_

**Date** \_\_\_\_\_

Attorney Docket No: 45112-071

Kim, Reg. No. 41,425; Eric J. Kraus, Reg. No. 36,190; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Christine F. Martin, Reg. No. 39,762; Michael A. Messina, Reg. No. 33,424; Dawn L. Palmer, Reg. No. 41,238; Joseph H. Paquin, Jr., Reg. No. 31,647; Scott D. Paul, Reg. No. 42,984; William D. Pegg, Reg. No. 42,988; Robert L. Price, Reg. No. 22,685; Thomas D. Robbins, Reg. No. 43,669; Gene Z. Rubinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; Daniel H. Sherr, Reg. No. P-46,425; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Wesley Strickland, Reg. No. 44,363; Michael D. Switzer, Reg. No. 39,552; Leonid D. Thenor, Reg. No. 39,397; Keith J. Townsend, Reg. No. 40,358; Daniel S. Trainor, Reg. No. 43,959; Cameron K. Weiffenbach, Reg. No. 44,488; Aaron Weisstuch, Reg. No. 41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976

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Full name of sole or first inventor: Steven M. Bessette  
 Residence Address: Brentwood, Tennessee 37027  
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 Inventor's signature \_\_\_\_\_

Date

Full name of second inventor: Arthur M. Knight  
 Residence Address: Alpharetta, GA 30022  
 Post Office Address: 9301 Jameson Pass  
 Citizenship: United States  
 Inventor's signature Arthur M. Knight

Date 1-9-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Steven M. BESSETTE et al.

Atty. Ref.: 4380-137

Serial No. 09/578,724

Group: 1616

Filed: May 26, 2000

Examiner: Pak, John D.

For: NON-HAZARDOUS PEST CONTROL

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
BY ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

EcoSmart Technologies, Inc., being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints the attorneys of **Customer Number 23117** individually and collectively as its attorneys to receive all correspondence in connection with this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

EcoSmart Technologies, Inc., also authorizes Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

Steven M. BESSETTE et al.  
Serial No. 09/578,724

**Certificate Under 37 C.F.R. §3.73(b)**

EcoSmart Technologies, Inc., a corporation having a place of business at 318 Seaboard Lane, Suite 202, Franklin, Tennessee, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached and/or recorded at the United States Patent Office on January 11, 2001, at reel 011426, frame 0764.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of EcoSmart Technologies, Inc.

**EcoSmart Technologies, Inc.**

9 - Sep - 2003

Date

By:

Steven M. Bessette  
Name: Steven M. Bessette  
Title: President & Chief Executive Officer